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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/724,315	11/26/2003	Sheldon Kasower	20168.0004USU1	1439
52835 7590 10/01/2008 HAMRE, SCHUMANN, MUELLER & LARSON, P.C. P.O. BOX 2902 MINNEAPOLIS, MN 55402-0902				
EXAMINER				
FIELDS, BENJAMIN S				
ART UNIT		PAPER NUMBER		
3692				
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10/01/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/724,315

**Applicant(s)**

KASOWER, SHELDON

**Examiner**

BENJAMIN S. FIELDS

**Art Unit**

3692

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 05 May 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-4, 8, 18 and 22-36 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 8, 18 and 22-36 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 15 August 2008
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Double Patenting*

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

1. Claims 1-4, 8, 18, and 22-36 of this application conflict with Claims 1-7 of co-pending Application No. 12/117,275. 37 CFR 1.78(b) provides that when two or more applications filed by the same applicant contain conflicting claims, elimination of such claims from all but one application may be required in the absence of good and sufficient reason for their retention during pendency in more than one application. Applicant is required to either cancel the conflicting claims from all but one application or maintain a clear line of demarcation between the applications. See MPEP § 822.
2. Furthermore, Claims 1-4, 8, 18, and 22-36 are provisionally rejected under 35 U.S.C. 101 as claiming the same invention as that of Claims 1-7 of co-pending

Application No. 12/117,275. This is a provisional obviousness-type double patenting rejection since the conflicting claims have not in fact been patented. Although the conflicting claims are not identical, they are not patentably distinct from each other because they claim the same if not very similar inventive concept.

Appropriate correction is required.

### ***Specification***

3. The abstract of the disclosure is objected to because of the following informality:

The attempt to incorporate subject matter into this application by REFERENCE TO RELATED APPLICATIONS on page one, paragraph one of the specification is ineffective because application no. 60/429,951 is not a continuation-in-part application.

Appropriate correction is required. See MPEP § 608.01(b).

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-4, 8, 18, and 22-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lazerson (US Pat. No. 7,366,694), [hereinafter Lazerson] in view of Stanfield (US PG. Pub. No. 2008/0133278), [hereinafter Stanfield].

Referring to Claim 1: Lazerson teaches a method of preserving an individual's access to credit by means of a service organization comprising: using one or more computer processing units, on a periodic basis accessing dynamic credit information of the individual from a credit reporting bureau report and deriving debt data from the credit information (Lazerson: Abstract; See Figures; Column 2, Line 35-Column 4, Line 65); using one or more computer processing units, on a periodic basis determining the an amount necessary to provide debt payment coverage based on the data derived from the credit information (Lazerson: Abstract; See Figures; See Claims).

Lazerson, however, does not expressly discuss using one or more computer processing units, selecting a specific insurance company to provide coverage for the aggregated insurance benefits based on the amount determined necessary to provide debt payment coverage at specific aggregated insurance premiums.

Stanfield, in a similar environment, shows using one or more computer processing units, selecting a specific insurance company to provide coverage for the aggregated insurance benefits based on the amount determined necessary to provide debt payment coverage at specific aggregated insurance premiums (Stanfield: Abstract; See Figures; Page 1, Paragraphs 0002-0012; Page 1, Paragraph 0017-Page 2, Paragraph 0024).

At the time of invention it would have been obvious to one of ordinary skill in the art to modify the method and system of Stanfield for a method and system for providing multi-credit card insurance with the features of Lazerson for credit/financing processes

for the purpose of assisting borrowers avoid predatory lending and unjustified credit/financing rates, etc. (Lazerson: Column 1, Lines 19-63).

Referring to Claim 2: Lazerson teaches the limitations of Claim 1.

Lazerson, however, does not expressly discuss obtaining dynamic credit information providing data to be used in determining the premium necessary to provide coverage for the aggregated insurance benefits.

Stanfield, in a similar environment, shows obtaining dynamic credit information providing data to be used in determining the premium necessary to provide coverage for the aggregated insurance benefits (Stanfield: Abstract; See Figures; Page 1, Paragraphs 0002-0012; Page 1, Paragraph 0017-Page 2, Paragraph 0024; See Claims).

Referring to Claim 3: Lazerson shows a method further comprising on a periodic basis adjusting the value of the determined amount necessary to provide coverage for the aggregated insurance benefits in accordance with the changes in the data derived from the credit information (Lazerson: Column 2, Line 35-Column 4, Line 65; Column 5, Line 15-Column 7, Line 63).

Referring to Claim 4: Stanfield teaches a method further comprising on a periodic basis, updating the database to include any new insurance companies and to update the premiums that the one or more insurance companies charge for providing their aggregated insurance benefits (Stanfield: Abstract; See Figures; Page 1, Paragraphs 0002-0012; Page 1, Paragraph 0017-Page 2, Paragraph 0029; See Claims).

Referring to Claim 8: Stanfield discusses a method further comprising on a periodic basis, determining any change in the amount necessary to provide debt payment coverage and adjusting the value of the premiums owed by the individual in accordance with the changes in the data derived from the credit information (Stanfield: Abstract; See Figures; Page 1, Paragraphs 0002-0012; Page 1, Paragraph 0017-Page 2, Paragraph 0024).

Referring to Claim 18: Stanfield teaches a method wherein determining the amount necessary to provide debt payment coverage comprises: on a periodic basis, presenting information to the individual related to the data derived from the credit information and presenting information to the individual which classifies the data derived from the credit information into a plurality of debt categories; and on a periodic basis, allowing the individual to select among the debt categories for which the individual will obtain aggregated insurance benefits (Stanfield: See Figures; Page 1, Paragraphs 0002-0012; Page 1, Paragraph 0017-Page 2, Paragraph 0024; See Claims).

Referring to Claim 22: Stanfield shows a method further comprising registering the individual with the service organization (Stanfield: Abstract; See Figures; See Claims).

Referring to Claim 23: Stanfield discloses a method further comprising entering a database including one or more insurance companies that provide the insurance coverage benefits, the database further including the specific premiums that the one or more insurance companies charge for issuing their aggregated insurance benefits

(Stanfield: Page 1, Paragraphs 0002-0012; Page 1, Paragraph 0017-Page 2, Paragraph 0029; Page 3, Paragraph 0037-Page 4, Paragraph 0042).

Referring to Claim 24: Stanfield teaches a method further comprising on a periodic basis informing the individual of the specific premiums (Stanfield: Abstract; See Figures; See Claims).

Referring to Claim 25: Stanfield shows a method further comprising requesting that the insurance company provide coverage for the existing aggregated insurance benefits to the individual (Stanfield: Abstract; See Figures; Page 1, Paragraphs 0002-0012; Page 1, Paragraph 0017-Page 2, Paragraph 0029; Page 3, Paragraph 0037-Page 4, Paragraph 0042; See Claims).

Referring to Claims 26-34: Claims 26-34 are directed towards a computer program product for carrying out/implementing the method steps of Claims 1-4, 8, 18, and 22-25. As such, Claims 26-34 are rejected under the same basis as are Claims 1-4, 8, 18, and 22-25 as mentioned supra.

Referring to Claims 35-36: Claims 35-36 parallel a system for the method of Claims 1-4, 8, 18, and 22-25. As such, Claims 35-36 are rejected under the same basis as are Claims 1-4, 8, 18, and 22-25 as mentioned supra.

#### **Examiner Note**

6. **The Examiner has pointed out particular reference(s) contained in the prior art of** record within the body of this action for convenience of the Applicant. Although



the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply. **Applicant**, in preparing the response, should **fully consider the entire reference** as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Sullivan (US Pat. No. 6,386,444) shows a system and method for card payment instrument with rebate applied to an insurance premium.

Sullivan (US Pat. No. 6,745,938) discloses a system and method for card payment instrument with rebate applied to an insurance premium.

Ryan et al. (US PG Pub. No. 2003/0187768) teach a virtual finance/insurance company.

Any inquiry concerning this communication should be directed to BENJAMIN S. FIELDS at telephone number 571.272.9734. The examiner can normally be reached MONDAY THRU FRI between the hours of 9AM and 7PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, KAMBIZ ABDI can

be reached at 571.272.6702. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Benjamin S. Fields  
/Frantzy Poinvil/  
Primary Examiner, Art Unit 3692

22 September 2008